

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>AGRON HASBAJRAMI,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>C.A. No. 20-84 Erie</b>
	)	
<b>v.</b>	)	<b>District Judge Susan Paradise Baxter</b>
	)	<b>Magistrate Judge Richard A. Lanzillo</b>
<b>RICH GLOGAU,</b>	)	
<b>Defendants.</b>	)	

**MEMORANDUM ORDER**

Plaintiff Agron Hasbajrami, an inmate incarcerated at the Federal Correctional Institution at McKean in Bradford, Pennsylvania (“FCI-McKean”), commenced this action by filing a *pro se* civil rights complaint against Defendant Rich Glogau, the supervisory chaplain at FCI-McKean. Plaintiff alleges that Defendant violated his rights under the Religious Freedom Restoration Act, 42 U.S.C. § 2000bb, *et seq.* (“RFRA”), and under the first and fifth amendments to the United States Constitution, when he failed to open the prison chapel to allow Plaintiff to attend a communal prayer service commemorating Eid-ul-Adha, a Muslim religious holiday, on April 11, 2019. This matter was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On March 1, 2021, Defendant filed a motion to dismiss Plaintiff’s complaint for failure to state a claim upon which relief may be granted [ECF No. 30]. On December 2, 2021, Magistrate Judge Lanzillo issued a report and recommendation (“R&R”) recommending that Defendants’ motion to dismiss be granted and that Plaintiff’s claim be dismissed, without prejudice to

Plaintiff's right to amend his complaint to allege additional facts sufficient to support his claim. No timely objections to the R&R were filed by Plaintiff. Instead, Plaintiff filed a motion for leave to file an amended complaint to include additional allegations regarding Defendant's alleged denial of Plaintiff's (and other Muslim inmates') participation in the Eid communal prayer service on July 31, 2020 [ECF No. 42]. This Court granted Plaintiff's motion and directed the Clerk to docket Plaintiff's amended complaint that was attached to the motion [ECF No. 43]. Then, based upon the filing of the amended complaint, the Court declined to adopt the R&R and denied Defendant's motion to dismiss as moot. Id.

Defendant subsequently filed a motion to dismiss [ECF No. 45], seeking dismissal of some of the claims of the amended complaint based on Plaintiff's failure to exhaust his administrative remedies, and dismissal of the remaining claims based on failure to state a claim upon which relief may be granted and/or qualified immunity.

On September 9, 2022, Magistrate Judge Lanzillo issued a report and recommendation [ECF No. 50] recommending that Defendant's motion be granted and that Plaintiff's amended complaint be dismissed, with prejudice. Objections to the R&R were due to be filed by September 26, 2022; however, no timely objections have been received.

After *de novo* review of the relevant documents in this case, together with the report and recommendation, the following order is entered:

AND NOW, this 30th day of September, 2022;

IT IS HEREBY ORDERED that Defendant's motion to dismiss [ECF No. 45] is GRANTED and Plaintiff's amended complaint is DISMISSED, with prejudice. The report and recommendation of Magistrate Judge Lanzillo, dated September 9, 2022 [ECF No. 50], is

adopted as the opinion of this Court.

The Clerk is directed to mark this case "CLOSED."

  
SUSAN PARADISE BAXTER  
United States District Judge

cc: The Honorable Richard A. Lanzillo  
U.S. Magistrate Judge

all parties of record